

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matters of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 92-291
Table of Allotments	)	RM-8133
FM Broadcast Stations	)	
(Cambridge and St. Michaels)	)	
	)	
and	)	
	)	
Application of	)	
CWA Broadcasting, Inc.	)	FCC File No. BPH-20020718ABE
For Minor Change in Licensed Facility	)	
WINX-FM, St. Michaels, Maryland	)	

To: The Commission

**PETITION TO DISMISS OR DENY**  
**AND OPPOSITION TO PETITION TO DISMISS**

WDAC Radio Company ("WDAC"), licensee of FM radio station WDAC, Lancaster, Pennsylvania, by counsel, hereby petitions for the Commission to dismiss or deny the above-captioned application of CWA Broadcasting, Inc. ("CWA") for changes in the facilities of station WINX-FM, St. Michaels, Maryland. In addition, WDAC opposes the Petition to Dismiss, submitted to the Commission by CWA on July 10, 2002, in the above-captioned allotment proceeding.

CWA seeks to upgrade WINX-FM from its current Class A status to a Class B1 facility. In connection with the requested upgrade, CWA asks the Commission to disregard a decision which was made at CWA's request and which has been final for years. As ex-

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plained below, what CWA proposes is impermissible both as a matter of procedure and in terms of substantive law and policy.

### **Background**

On November 16, 1992, CWA petitioned for a rulemaking to amend the Table of FM Allotments by replacing the original allotment of Channel 232A at Cambridge, Maryland with Channel 232A at St. Michaels. Therein, CWA noted that its proposed facility would constitute St. Michaels' "first broadcast facility." CWA observed that, in contrast, Cambridge was already "served by WCEM(AM) . . . [and] WCEM(FM) . . ." CWA Petition for Rulemaking at 2-3.

The Commission promptly acceded to CWA's request, and initiated the above-captioned allotment rulemaking proceeding. In the rulemaking Notice, the FCC indicated that the preference for a "first local transmission service" in St. Michaels justified considering the merits of CWA's proposed amendment. *Notice of Proposed Rulemaking, Cambridge and St. Michaels, Maryland*, DA-92-164, RM-8133, MM Docket 92-291, ¶¶2-3 (December 14, 1992). CWA claimed that its plan would effect a preferential arrangement of allotments. *Id.* Under Section 307(b) of the Communications Act of 1934, as amended, it seems plain that CWA was right.

On February 3, 1993, CWA submitted Comments in support of the proposal. These were erroneously styled as a renewed "Petition for Rulemaking." Nonetheless, in the interest of clarity, this pleading is referenced hereinafter as CWA's "Comments." In the Comments,

CWA stated: "Should the commission [sic] allot and authorize Channel 232A to St. Michaels, MD, the Petitioner will immediately file an application on F.C.C. Form 301 and expeditiously construct and operate a Class 'A' FM radio station at St. Michaels, Maryland with the maximum lawful facilities." Comments at 1. The Comments reiterated CWA's contention that the proposed amendment would give St. Michaels its first broadcast facility. *Id.* at 2. CWA also re-stated its commitment to file FCC Form 301 to conform its construction with the amended Table of Allotments, as well as its pledge to construct the new facility in St. Michaels. *Id.* at 3.

The staff of the FCC's Policy & Rules Division initially rejected the proposed change to St. Michaels, for reasons not relevant here. *Report and Order*, DA-94-603, rel June 17, 1994). CWA then filed the Petition for Reconsideration. There, CWA argued that "[t]he Commission *must* reallocate Channel 232A to St. Michaels" Petition for Reconsideration at 13 (emphasis added). In a subsequent pleading, CWA urged: "Clearly, there is at the very least a public interest reason -- indeed, a congressionally [sic] mandated reason -- to allocate a first local broadcast service to St. Michaels." Reply to Opposition to Petition for Reconsideration at ¶8.

The Policy & Rules Division rejected CWA's request for reconsideration. *Memorandum Opinion and Order*, DA-95-1894, rel on July 25, 1995 (P.&R. Div.). CWA took its case to the full Commission, submitting an Application for Review on August 24, 1995, as well as a Reply to Opposition to Application for Review on September 19, 1995. In that proceeding,

CWA insisted that “the public interest, convenience and necessity . . . requires [*sic*] that CWA’s petition be granted.” Reply at ¶5.

The Commission agreed with CWA. The Commission reversed the staff decision and adopted CWA’s proposed amendment to the Table of Allotments. *Memorandum Opinion and Order*, FCC 97-76, rel March 17, 1997. The Commission determined that “reallotting Channel 232A to St. Michaels would be preferred under priority (3) as a first local service [while] Cambridge will continue to be served by local Stations WCEM and WCEM-FM.” *Id.* at ¶6 (citations omitted). The Commission amended CWA’s construction permit to conform with this change. *Id.* at ¶8. Further, the FCC directed CWA to submit a minor change application on FCC Form 301 specifying the new facility within 90 days of the effective date of the Order, though obviously no such application would have been necessary had CWA been able to serve St. Michaels with the technical facilities specified in the permit.

Contrary to the Commission’s directive, CWA never filed the minor change application. Petition to Dismiss at ¶5. Instead, on April 16, 1997, CWA submitted a “Petition for Clarification.” Therein, CWA simply reported that it had identified a transmitter site and no longer found changing its community of license to St. Michaels to be absolutely critical. CWA noted that it was bringing “these matters to the attention of the Commission in the event that they would cause the Commission to modify its decision in FCC 97-76.” Petition for Clarification at ¶3. Moreover, CWA insisted that it was “desirous of having [its facility] licensed to St. Michaels, but [was] willing as well to be licensed to

Cambridge.” *Id.* Thus, CWA did not ask the FCC to reverse the St. Michaels allotment. The Petition for Clarification seems to have been filed under the principles of Section 1.65 of the Rules in order to clarify WFBR’s position in the event that the filing of a petition for reconsideration by some third party kept the proceeding open. No such petition was filed. CWA’s Petition for Clarification, read in any objective light, cannot be construed as a request for reconsideration of the Commission’s decision to allot Channel 232A to St. Michaels. It must therefore be concluded that the St. Michaels allotment became final five years ago.

Nonetheless, CWA claims that the instant Petition to Dismiss, filed on July 10, 2002 -- more than five years after the Petition for Clarification -- “constitutes a petition for reconsideration.” Petition to Dismiss at ¶4. Because that position is baseless, the instant application can only be viewed as an effort to upgrade a facility on Channel 232A that properly belongs in St. Michaels, Maryland.

\* \* \*

As explained below, Channel 232A is not available for the proposed upgrade without objectionable interference to the signal of FM station WDAC. CWA has made absolutely no effort to show that the public interest -- as opposed to CWA’s own interest -- requires any change in the Table of Allotments that might arguably assist CWA. Accordingly, CWA’s Petition to Dismiss should be denied, and the instant Form 301 application should be dismissed as unacceptable for filing, or (if considered on the merits) denied.

**I. Channel 232A, Cambridge, Maryland is not available.**

With exceptions not relevant here, in order to move an FM channel from one community to another, the Commission's allotment priorities must favor the new community. *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870, 4874 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990). Under the Commission's allotment criteria, a first local transmission service is distinctly preferred over provision of a third local service, even where the community that is already served is much larger. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, ¶11, 51 RR 2d 807 (1982), *recon. denied* 56 RR 2d 448; *cf. Middlebury, Berlin and Hardwick, Vermont*, 15 FCC Rcd 131 (MMB 2000).

The FCC has already applied these criteria -- at CWA's request -- and determined that the public interest compels allotment of Channel 232A to St. Michaels. The deadline for an appeal of that decision passed approximately five years ago without any such appeal having been lodged.

In its Petition to Dismiss, CWA argues that its Petition for Clarification actually sought reconsideration of the St. Michaels allotment. However, this claim does not survive scrutiny. In reality, the Petition merely notified the FCC that it no longer made a critical difference to CWA whether or not the final allotment was to St. Michaels or Cambridge. The Commission never acted to prevent its Order from becoming final. The lack of any official action in response to CWA's Petition for Clarification is understandable. CWA filed only an informative pleading. The Petition for Clarification demanded no specific action. Indeed,

it made no reference at all to the public interest determination that must guide the FCC in such matters.

Even if CWA's Petition for Clarification could, *arguendo*, be construed as seeking reconsideration of the allotment change, the pleading placed an unreasonable burden on the Commission. As the Commission explained just last year, the FCC does not "entertain optional or alternative proposals presented in either an initial petition for rule making or in a counterproposal." *Winslow, Camp Verde, Mayer and Sun City, Arizona*, 16 FCC Rcd 9551, ¶9 (May 11, 2001). Moreover, placing such a burden on the Commission is viewed as "in essence, a contingent request and it is [the Commission's] policy not to entertain contingent proposals." *Id.*, citing *Oxford and New Albany, Mississippi*, 3 FCC Rcd 615 (1988), recon. denied 3 FCC Rcd 6626 (1988). Such "requests have excessively taxed [the Commission's] administrative resources and unreasonably cluttered the Commission's data base system, and in some instances, precluded the acceptance of otherwise viable requests for new or a modification of existing FM facilities." *Id.* The Commission determined that it "will not consider an optional or alternative proposal submitted in the context of a single rulemaking proceeding. . . ." The Commission held that the appropriate procedure is "to file a separate proposal in a subsequent rulemaking proceeding." *Id.*

Here, CWA must petition for a rulemaking proceeding to consider all aspects of a proposed amendment of the Table of Allotments before the channel which is currently designated as St. Michaels' sole broadcast service could possibly be designated instead for

Cambridge. In such a proceeding, the FCC could assess the effects of the proposal on the public interest and not merely on the interests of CWA. Until this year, CWA argued vociferously that the public interest demanded that St. Michaels receive a first broadcast service. That public interest priority did not change merely because CWA found a different transmitter site.

**II. CWA has offered no public interest basis for reconsidering the allotment at St. Michaels.**

The Petition for Clarification also fails as a petition for reconsideration for an additional reason. The Commission will only reconsider a rulemaking action if petitioner “cites error of fact or law, or has presented facts or circumstances which raise substantial or material questions of fact which otherwise warrant Commission review of its prior action.” *Winslow, Camp Verde, Mayer and Sun City, Arizona*, 16 FCC Rcd 9551, ¶7 (May 11, 2001).

In contrast, CWA’s Petition for Clarification asserts no legal or factual error. The only factual change reported is one that was completely incidental to the public interest deliberations concluded in MM Dkt 92-291. CWA has simply provided no basis on which to reconsider the Commission’s earlier amendment of the Table of Allotments awarding a first aural service to St. Michaels.

**III. The proposed upgrade would cause excessive interference to FM station WDAC.**

If the application of CWA were considered on the merits, and if the loss of St. Michaels’ sole FM transmission service could otherwise be justified, there remain compelling reasons for denial of the application. The current operation of WINX-FM



contemplated at a time prior to widespread acceptance of the Longley-Rice method of predicting interference. Thus, it was assumed that the signals of WINX-FM and WDAC interact in a way predicted based on the assumption that the terrain between two and ten miles from the WDAC transmitter site continues indefinitely in the direction of WINX-FM, and that the FCC's curves approximate the propagation conditions from the proposed site northward. In fact, a more sophisticated analysis reveals that WINX-FM already causes interference to the signal of FM station WDAC within WDAC's actual 54 dbu contour. See the attached Engineer's Technical Statement at ¶2. Existing interference detracts from the ability of 153,214 persons within WDAC's protected contour to listen to WDAC. The proposed "upgrade" from WINX-FM would increase the population suffering interference to 215,696 persons. If the application is granted, WFBR will interfere with reception of WDAC by *more than 61,000 additional* persons. Accordingly, the application is one in which CWA proposes immense harm to an existing licensee and, more importantly, to a substantial population currently receiving interference-free service from WDAC.

If the Commission for some reason fails to dispose of CWA's Petition to Dismiss and the instant Application for the reasons explained above, the agency should not ignore the real-world interference that modern predictive methods can identify. The FCC has increasingly relied on the Longley-Rice propagation method to predict interference in other contexts. An application such as the one submitted by CWA should not be evaluated using less accurate methods.

**Conclusion**

The proposed upgrade may not be approved unless CWA identifies a fully spaced allotment reference site from which the station would place the requisite signal over St. Michaels. This cannot be done. *Id.* at ¶4.

CWA has made absolutely no effort to show that the public interest -- as opposed to CWA's own interest -- requires reconsideration of the Commission's final Order amending the Table of Allotments. In addition, CWA's proposed upgrade would cause excessive interference to FM station WDAC. Accordingly, the Commission should deny CWA's Petition to Dismiss, and either dismiss or deny the application proposing an upgrade of WINX-FM.

Respectfully submitted,

**WDAC RADIO COMPANY**

By: 

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Its attorneys

Dated: August 26, 2002

PETITION TO DISMISS  
WDAC RADIO COMPANY  
WDAC (FM) RADIO STATION  
CH 233B - 94.5 MHZ  
LANCASTER, PENNSYLVANIA  
August 2002

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of WDAC Radio Company ("WRC"), licensee of station WDAC, Channel 233B, Lancaster, Pennsylvania. This submission is in response to an one-step application submitted by CWA Broadcasting, Inc. ("CWA"), licensee of WINX-FM, Channel 232A, allotted to St. Michaels, Maryland.<sup>1</sup> In BPH-20020718ABE, CWA has requested that station WINX-FM be upgraded to Channel 232B1 at Cambridge, Maryland. The application proposes to implement the upgrade at the station's present transmitter site. An allotment "reference" site for Channel 232B1 is also identified in the application, since the present WINX-FM transmitter site does not meet the spacing requirements of §73.207 of the Commission's rules.

DISCUSSION

2. As presently authorized, the operating WINX-FM facilities are already delivering real world interference to the protected contour (54 dBu) of the licensed facilities of WDAC. As shown on Exhibit #1, the WINX-FM Class A station delivers interference to 153,214 persons in 95.6 square kilometers within the WDAC protected contour (based on the Longley-Rice propagation study).<sup>2</sup> If WINX-FM were upgraded to a Class B1 facility, as proposed in this

- 
- 1) Channel 232A was re-allotted from Cambridge, Maryland, to St. Michaels, Maryland, in MM Docket #92-291. The change became effective May 2, 1997.
- 2) Attached as Exhibit #2 is a tabulation of the population within the interference area.

instant application, WDAC would receive interference to 215,696 persons in 184.9 square kilometers within its 54 dBu contour. This represents an increase of 62,482 persons in population receiving interference from WINX-FM (see Exhibits #3 and #4).




3. Further, Channel 232A was deleted from Cambridge, Maryland, in MM Docket #92-291 and allotted to St. Michaels, Maryland, at the request of CWA. As such, an one-step application for Channel 232B1 at Cambridge cannot be implemented, since Channel 232A is no longer allocated to that community. The only option for CWA is to propose an upgrade for WINX-FM on Channel 232 at St. Michaels.

4. However, as visually shown on Exhibit #5, Channel 232B1 cannot be allotted to St. Michaels in compliance with the Commission's rules. The area in which to locate a fully-spaced Channel 232B1 facility is site restricted 33.0 kilometers south of the community to avoid shortspacing with WWZK, Channel 232A, Avalon, New Jersey; WBPS-FM, Channel 232A, Warrenton, Virginia; and WDAC, Channel 233B, Lancaster, Pennsylvania. Exhibit #6 is a §73.207 spacing analysis from the proposed reference site. A maximum Class B1 operation from the proposed reference site would not provide the requisite 3.16 mV/m contour over the community of St. Michaels. The channel cannot be located closer to the community without violating the Commission's minimum distance separation requirements.

5. Based on the foregoing, WRC requests the Commission to dismiss BPH-20020718ABE as unacceptable for filing. WDAC further requests that CWA be again ordered to submit an application to formalize the relocation of Channel 232A to St. Michaels, Maryland, in compliance with the Report and Order in MM Docket #92-291.

6. The foregoing statement was prepared on behalf of WDAC Radio Company by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data regarding FM facilities was extracted from the CDBS database. We assume no liability for errors or omissions in that database which may affect this statement.

**Graham Brock, Inc. - Broadcast Technical Consultants**

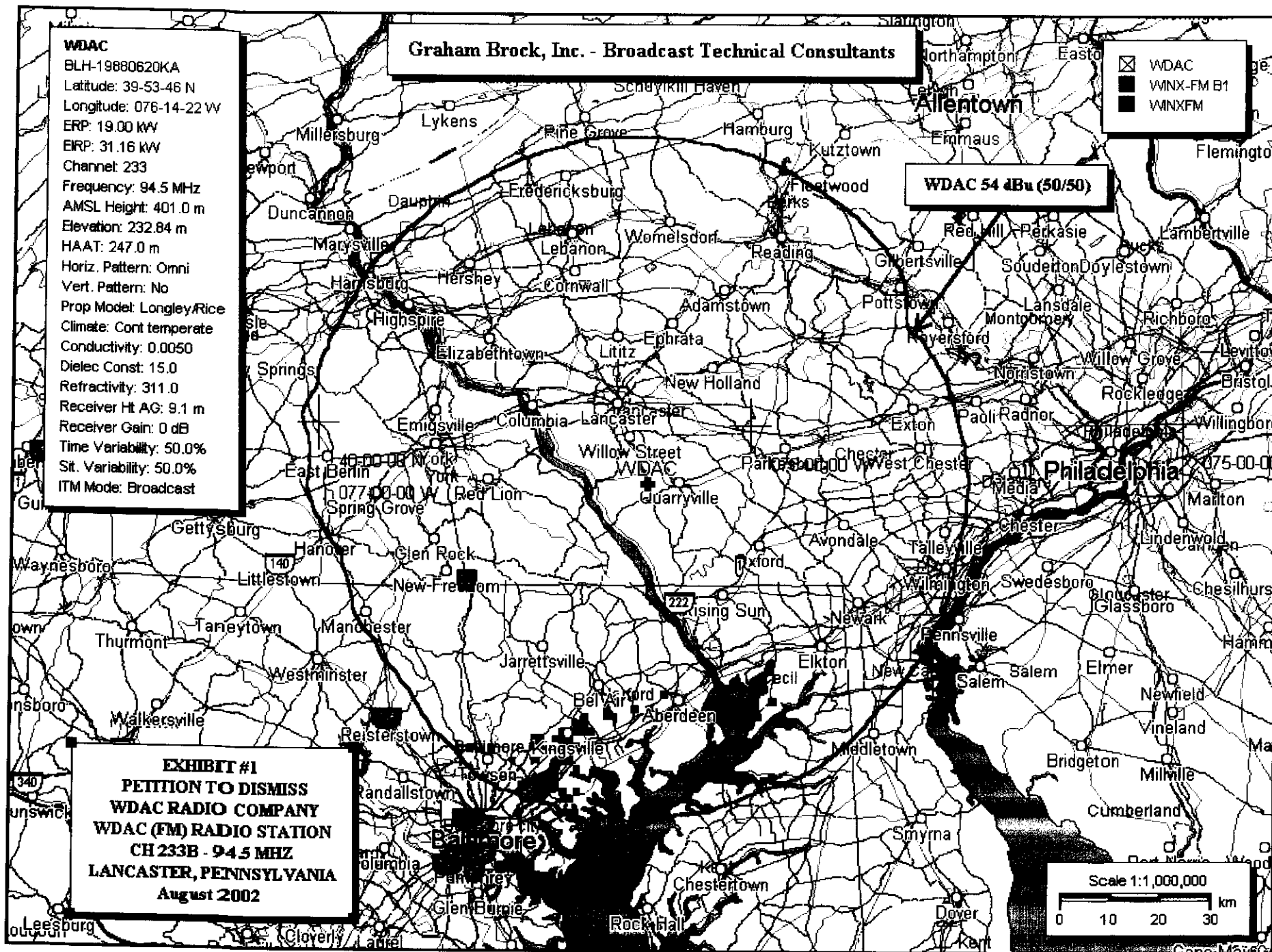
 WDAC  
 WINX-FM B1  
 WINXFM

**WDAC 54 dBu (50/50)**

**WDAC**

BLH-19880620KA  
 Latitude: 39-53-46 N  
 Longitude: 076-14-22 W  
 ERP: 19.00 kW  
 EIRP: 31.16 kW  
 Channel: 233  
 Frequency: 94.5 MHz  
 AMSL Height: 401.0 m  
 Elevation: 232.84 m  
 HAAT: 247.0 m  
 Horiz. Pattern: Omni  
 Vert. Pattern: No  
 Prop Model: Longley/Rice  
 Climate: Cont temperate  
 Conductivity: 0.0050  
 Dielec Const: 15.0  
 Refractivity: 311.0  
 Receiver Ht AG: 9.1 m  
 Receiver Gain: 0 dB  
 Time Variability: 50.0%  
 Sit. Variability: 50.0%  
 ITM Mode: Broadcast

**EXHIBIT #1**  
**PETITION TO DISMISS**  
**WDAC RADIO COMPANY**  
**WDAC (FM) RADIO STATION**  
**CH 233B - 94.5 MHZ**  
**LANCASTER, PENNSYLVANIA**  
**August 2002**



Graham Brock, Inc Population Report

WDAC (233) Lancaster, PA

FM Interference Study

Interference considered within reference station's 54.0 dBu contour  
and within 100.0 km from each possible interferer

Signal Resolution: 1.5 km

Study Date: 8/26/02

FM Database Date: 08-16-02

D/U Ratios Used:

Co: 20.0 dB

First Adj: 6.0 dB

Second Adj: -40.0 dB

Third Adj: -40.0 dB

Population Database: 2000 US Census (SF1)

Percentages calculated using a baseline population of 2,939,053

Stations which cause interference:

Call Letters	H Units	Population	%	Area (sq. km)
WINXFM (232)	66822	153214	5.213	95.65

Masking Summary:

Call Letters	Total Interference Population	%	Unique Interference Population	%
WINXFM (232)	153214	5.213	153214	5.213

Stations which were not considered:

WINX-FM B1 (232)

Call Letters	City	State	Dist	Bear
WINX-FM B1 (232)	Cambridge	MD	141.4	173.5
WINXFM (232)	Cambridge	MD	141.4	173.5

Totals for WDAC (233)

Calculation Area Population:	2,944,883	13654.3 sq. km )
Not Affected by Terrain Loss:	2,939,053	13591.2 sq. km )
Interfered Population:	153,814	95.7 sq. km )
Interference Free:	2,785,239	13495.6 sq. km )

EXHIBIT #2  
PETITION TO DISMISS  
WDAC RADIO COMPANY  
WDAC (FM) RADIO STATION  
CH 233B - 94.5 MHZ  
LANCASTER, PENNSYLVANIA  
August 2002

Percent Interference:

5.21

Terrain blocked Population:

5,830

(63.0 sq. km)

Maryland

Housing Units

Population

% of County

Baltimore County

318,734

754,292

County Pop

138,937

302,610

WINKEN (232)

43,026

89,819

IX Free

85,809

232,731

Cecil County

54,260

150,897

County Pop

6,033

16,638

WDAO (233)

6,033

16,638

IX Free

6,033

16,638

County Pop

34,461

85,951

WDAO (233)

24,180

65,331

WINKEN (232)

64

144

IX Free

54,116

85,177

Harford County

83,146

218,590

County Pop

83,146

218,590

WDAO (233)

279

713

IX Free

82,967

217,877

Kent County

9,410

19,197

County Pop

831

1,318

WDAO (233)

831

1,318

IX Free

831

1,318

Baltimore City

300,477

651,154

County Pop

25,365

56,416

WDAO (233)

23,451

52,478

IX Free

1,914

3,538

WINKEN (232)

23,451

52,478

IX Free

2,323

5,581

County Pop

35,831

81,292

WDAO (233)

3,323

5,581

IX Free

2,323

5,581

Berks County

150,232

373,638

County Pop

116,648

285,694

WDAO (233)

116,648

285,694

IX Free

116,648

285,694

Chester County

163,773

423,501

County Pop

124,884

339,769

WDAO (233)

Housing Units

Population

% of County

Pennsylvania

County Pop

35,831

81,292

WDAO (233)

3,323

5,581

IX Free

2,323

5,581

Berks County

150,232

373,638

County Pop

116,648

285,694

WDAO (233)

116,648

285,694

IX Free

116,648

285,694

Chester County

163,773

423,501

County Pop

124,884

339,769

WDAO (233)



Ix Free	124,884	339,769	100.00
Cumberland County			
County Pop	86,951	213,674	
WDAC (233)	8,725	18,702	
Ix Free	8,725	18,702	100.00
Dauphin County			
County Pop	111,133	251,798	
WDAC (233)	80,964	182,700	
Ix Free	80,964	182,700	100.00
Delaware County			
County Pop	216,978	550,864	
WDAC (233)	6,013	19,562	
Ix Free	6,013	19,562	100.00
Lancaster County			
County Pop	179,990	470,658	
WDAC (233)	179,990	470,658	
Ix Free	179,990	470,658	100.00
Lebanon County			
County Pop	49,320	120,327	
WDAC (233)	48,796	119,140	
Ix Free	48,796	119,140	100.00
Montgomery County			
County Pop	297,434	750,097	
WDAC (233)	7,296	16,092	
Ix Free	7,296	16,092	100.00
Schuylkill County			
County Pop	67,806	150,336	
WDAC (233)	24	55	
Ix Free	24	55	100.00
York County			
County Pop	156,720	381,751	
WDAC (233)	141,842	345,675	
Ix Free	141,842	345,675	100.00

	Housing Units	Population	% of County
Delaware			
New Castle County			
County Pop	199,521	500,265	
WDAC (233)	168,029	424,132	
Ix Free	168,029	424,132	100.00

**EXHIBIT #3**  
**PETITION TO DISMISS**  
**WDAC RADIO COMPANY**  
**WDAC (FM) RADIO STATION**  
**CH 233B - 94.5 MHZ**  
**LANCASTER, PENNSYLVANIA**  
**August 2002**

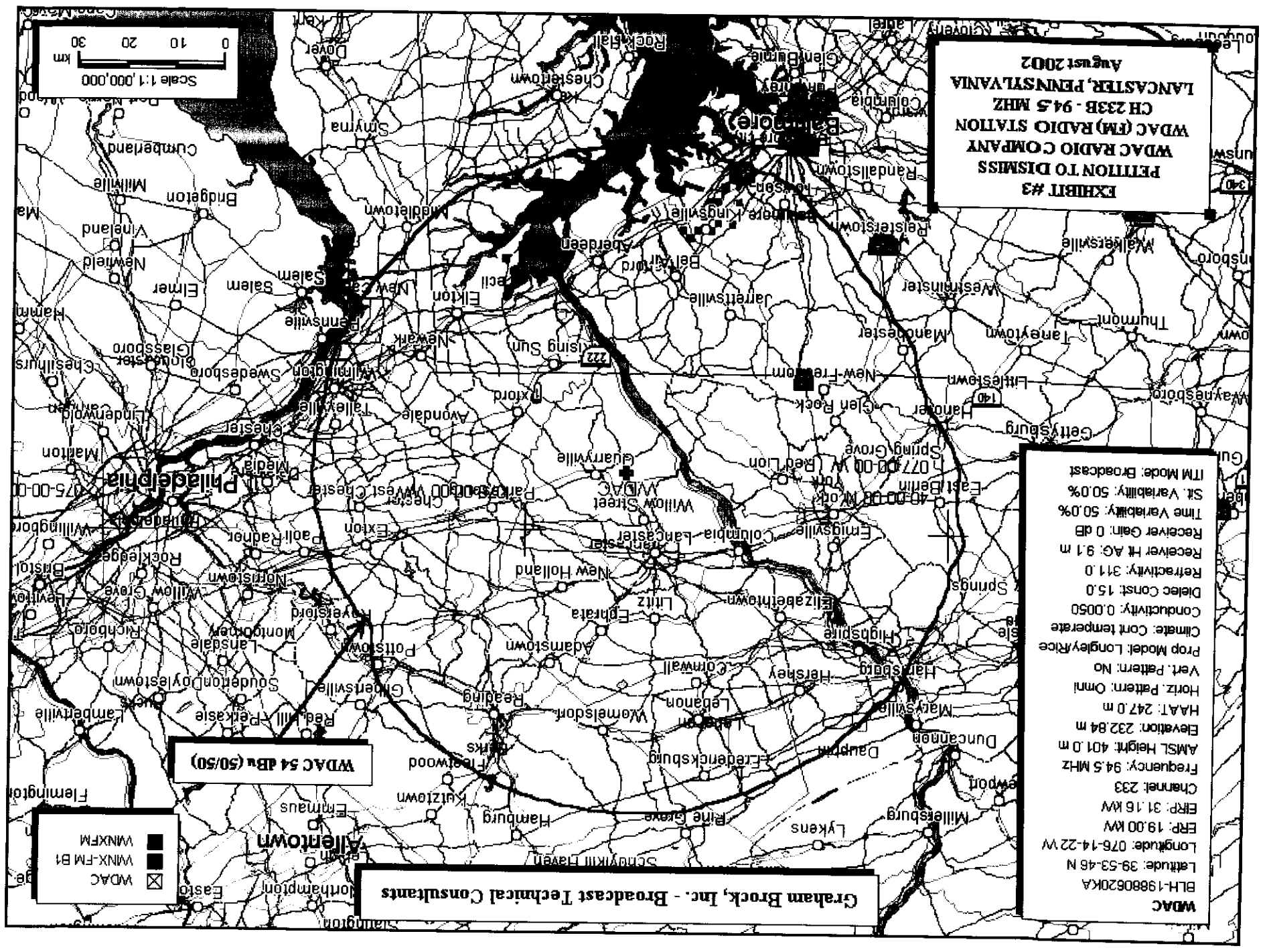
**WDAC**  
 BLH-19880620KA  
 Latitude: 39-53.46 N  
 Longitude: 076-14-22 W  
 ERP: 19.00 kW  
 EIRP: 31.16 kW  
 Channel: 233  
 Frequency: 94.5 MHz  
 AMSL Height: 401.0 m  
 Elevation: 232.84 m  
 HAAT: 247.0 m  
 Horiz. Pattern: Omni  
 Vert. Pattern: No  
 Prop Model: Longley/Rice  
 Climate: Cont. temperate  
 Conductivity: 0.0050  
 Dielec Const: 15.0  
 Refractivity: 311.0  
 Receiver Ht AG: 9.1 m  
 Receiver Gain: 0 dB  
 Time Variability: 50.0%  
 St. Variability: 50.0%  
 ITM Mode: Broadcast

**Graham Brock, Inc. - Broadcast Technical Consultants**

**WDAC 54 DBμ (50/50)**

WDAC  
 WNNX-FM B1  
 WNNX-FM

Scale 1:1,000,000  
 0 10 20 30  
 km



Graham Brock, Inc. Population Report

WDAC (233) Lancaster, PA

FM Interference Study

Interference considered within reference station's 54.0 dBu contour  
and within 100.0 km from each possible interferer

Signal Resolution: 1.5 km

Study Date: 8/26/02

FM Database Date: 08-16-02

D/U Ratios Used:

Co: 20.0 dB

First Adj: 6.0 dB

Second Adj: -40.0 dB

Third Adj: -40.0 dB

Population Database: 2000 US Census (SF1)

Percentages calculated using a baseline population of 2,939,053.

Stations which cause interference:

Call Letters	H Units	Population	%	Area (sq. km)
WINXFM.A (232)	92353	215696	7.339	184.89

Masking Summary:

Call Letters	Total Interference Population	%	Unique Interference Population	%
WINXFM.A (232)	215696	7.339	215696	7.339

Stations which were not considered:

WINXFM (232)

Call Letters	City	State	Dist	Bear
WINXFM.A (232)	Cambridge	MD	141.4	173.5
WINXFM (232)	Cambridge	MD	141.4	173.5

Totals for WDAC (233)

Calculation Area Population:	2,944,883	13654.3 sq. km )
Not Affected by Terrain Loss:	2,939,053	13591.2 sq. km )
Interfered Population:	215,696 (	184.9 sq. km )
Interference Free:	2,723,357 (	13406.3 sq. km )

EXHIBIT #4  
PETITION TO DISMISS  
WDAC RADIO COMPANY  
WDAC (FM) RADIO STATION  
CH 233B - 94.5 MHZ  
LANCASTER, PENNSYLVANIA  
August 2002

Percent Interference:

7.34

Terrain Blocked Population:

5,830 ( 63.0 sq. km)

	Housing Units	Population	% of County
<b>Maryland</b>			
Baltimore County			
County Pop	313,734	754,292	
WDAC (233)	138,937	332,610	
WINXFM.A (232)	64,883	153,068	46.02
Ix Free	74,054	179,542	53.98
Carroll County			
County Pop	54,260	150,897	
WDAC (233)	6,033	16,638	
Ix Free	6,033	16,638	100.00
Cecil County			
County Pop	34,461	85,951	
WDAC (233)	34,180	85,321	
WINXFM.A (232)	64	144	0.17
Ix Free	34,116	85,177	99.83
Harford County			
County Pop	83,146	218,590	
WDAC (233)	83,146	218,590	
WINXFM.A (232)	3,955	10,006	4.58
Ix Free	79,191	208,584	95.42
Kent County			
County Pop	9,410	19,197	
WDAC (233)	831	1,318	
WINXFM.A (232)	0	0	0.00
Ix Free	831	1,318	100.00
Baltimore city			
County Pop	300,477	651,154	
WDAC (233)	25,365	56,416	
WINXFM.A (232)	23,451	52,478	93.02
Ix Free	1,914	3,938	6.98
<b>Pennsylvania</b>			
Adams County			
County Pop	35,831	91,292	
WDAC (233)	2,323	5,981	
Ix Free	2,323	5,981	100.00
Berks County			
County Pop	150,222	373,638	
WDAC (233)	116,648	285,694	
Ix Free	116,648	285,694	100.00
Chester County			
County Pop	163,773	433,501	

WDAC (233)	124,884	339,769	
Ix Free	124,884	339,769	100.00
Cumberland County			
County Pop	86,951	213,674	
WDAC (233)	8,725	18,702	
Ix Free	8,725	18,702	100.00
Dauphin County			
County Pop	111,133	251,798	
WDAC (233)	80,964	182,700	
Ix Free	80,964	182,700	100.00
Delaware County			
County Pop	216,978	550,864	
WDAC (233)	6,013	19,562	
Ix Free	6,013	19,562	100.00
Lancaster County			
County Pop	179,990	470,658	
WDAC (233)	179,990	470,658	
Ix Free	179,990	470,658	100.00
Lebanon County			
County Pop	49,320	120,327	
WDAC (233)	48,796	119,140	
Ix Free	48,796	119,140	100.00
Montgomery County			
County Pop	297,434	750,097	
WDAC (233)	7,296	16,092	
Ix Free	7,296	16,092	100.00
Schuylkill County			
County Pop	67,806	150,336	
WDAC (233)	24	55	
Ix Free	24	55	100.00
York County			
County Pop	156,720	381,751	
WDAC (233)	141,842	345,675	
Ix Free	141,842	345,675	100.00

	Housing Units	Population	% of County
Delaware			
New Castle County			
County Pop	199,521	500,265	
WDAC (233)	168,029	424,132	
Ix Free	168,029	424,132	100.00

# Graham Brock, Inc. - Broadcast Technical Consultants

Reference Site  
Latitude: 38-25-39 N  
Longitude: 075-13-21 W  
Channel 23CB1  
Frequency 94.5 MHz

Scale: 500,000'

0 7 14 km

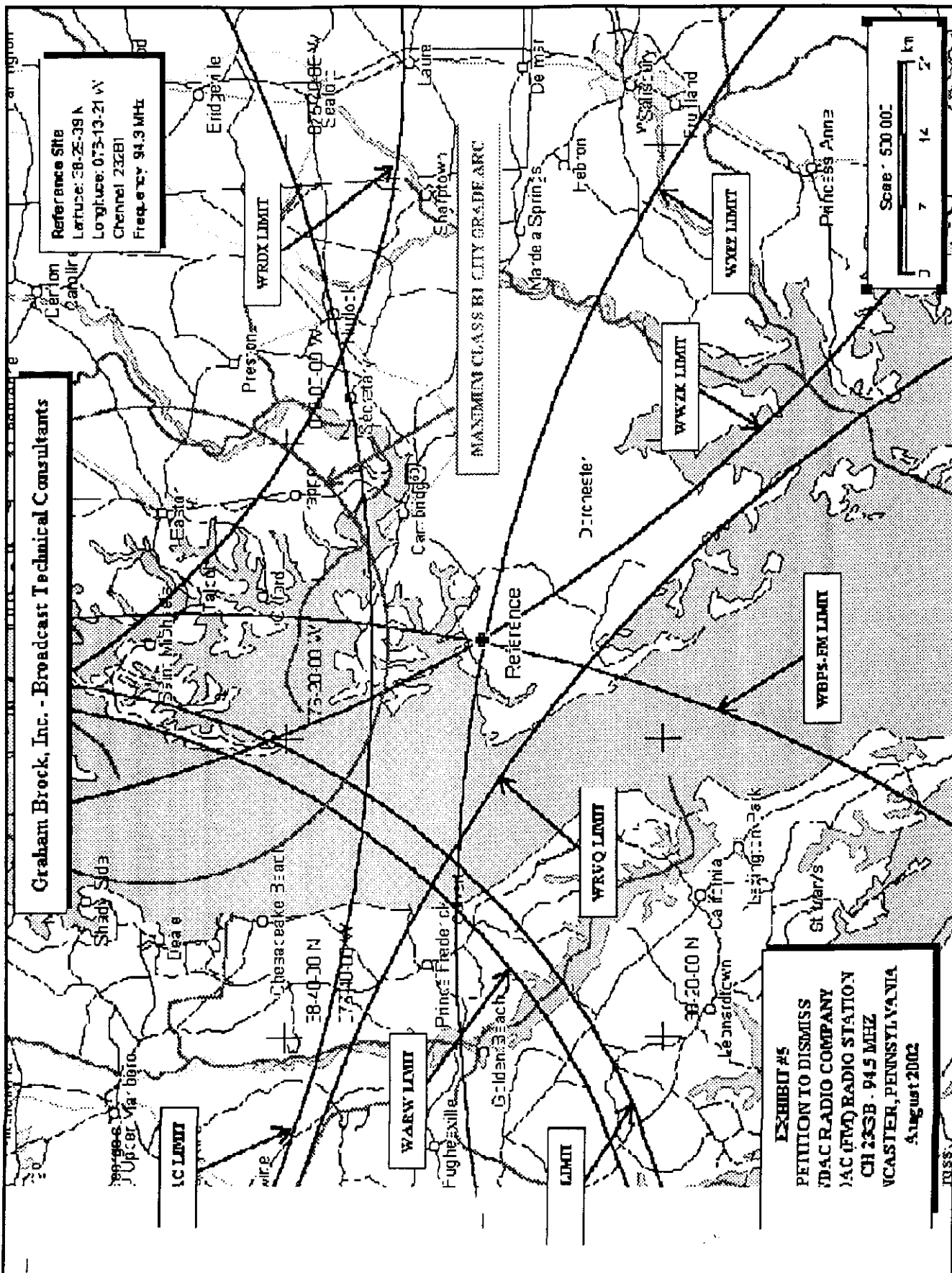


EXHIBIT #5  
PETITION TO DISMISS  
JAC RADIO COMPANY  
JAC (FM) RADIO STATION  
CH 23CB - 94.5 MHz  
VCASSTER, PENNSYLVANIA  
August 2002

**PETITION TO DISMISS**  
**WDAC RADIO COMPANY**  
**WDAC (FM) RADIO STATION**  
**CH 233B - 94.5 MHZ**  
**LANCASTER, PENNSYLVANIA**  
**August 2002**

**EXHIBIT #6**

ALLOCATION STUDY FOR CHANNEL 232B1 ST. MICHAELS, MARYLAND  
 USING PROPOSED REFERENCE SITE

REFERENCE		DISPLAY DATES
38 29 39 N	CLASS B1	DATA 08-16-02
76 13 21 W	Current rules spacings	SEARCH 08-23-02
----- CHANNEL 232 - 94.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
ADD	232B1	Cambridge	MD	0.0	0.00	175.0	-175.00
	38 29 39	76 13 21	0.000 kW	0M	0.0	108.8	
WINXFM	232B1	Cambridge	MD	43.6	20.91	175.0	-154.09
APPZCX	38 37 49	76 03 24	21.600 kW	107M	13.0	108.8	
	CWA Broadcasting, Inc.			BPH-20020718ABE			
WINXFM	232A	Cambridge	MD	43.6	20.91	143.0	-122.09
LIC CN	38 37 49	76 03 24	4.600 kW	110M	13.0	88.9	
	CWA Broadcasting, Inc.			BLH-19990715KB			
ALLO	232A	St. Michaels	MD	350.8	36.81	143.0	-106.19
RSV	38 49 17	76 17 27	0.000 kW	0M	22.9	88.9	
	> Reserved for WINX-FM per MM Docket #92-291						
WBPSFM	232A	Warrenton	VA	281.6	143.13	143.0	0.13
LICCN	38 44 31	77 50 07	2.000 kW	175M	89.0	88.9	
	Mega Communications Of Warren			BLH-19990122KD			
WWZK	232A	Avalon	NJ	59.9	143.13	143.0	0.13
LIC CN	39 07 48	74 47 20	3.300 kW	91M	89.0	88.9	
	Coastal Broadcasting Systems, Inc.			BMLH-19891211KO			
WXEZ	231B	Yorktown	VA	191.2	145.39	145.0	0.39
LICZCN	37 12 33	76 32 35	40.000 kW	162M	90.4	90.1	
	Chesapeake Bay Broadcasting			BLH-19960430KB			
WRVQ	233B	Richmond	VA	218.7	154.58	145.0	9.58
LIC CN	37 24 13	77 18 59	200.000 kW	107M	96.1	90.1	
	Clear Channel Broadcasting Lic.			BLH-6152			
WDAC	233B	Lancaster	PA	359.5	155.65	145.0	10.65
LIC CN	39 53 46	76 14 22	19.000 kW	247M	96.7	90.1	
	Wdac Radio Company			BLH-19880620KA			
WKYS	230B	Washington	DC	303.9	89.63	71.0	18.63
LIC CN	38 56 24	77 04 54	24.500 kW	215M	55.7	44.1	
	Radio One Licenses, LLC			BMLH-19990514KD			
WARW	234B	Bethesda	MD	304.6	92.76	71.0	21.76
LIC CN	38 57 49	77 06 18	20.500 kW	235M	57.7	44.1	
	Infinity Broadcasting			BLH-19931215KC			
WRDX	234B	Dover	DE	35.7	97.00	71.0	26.00
LIC CN	39 12 03	75 33 55	50.000 kW	115M	60.3	44.1	
	Capstar TX Limited Partnership			BMLH-19931129KC			

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

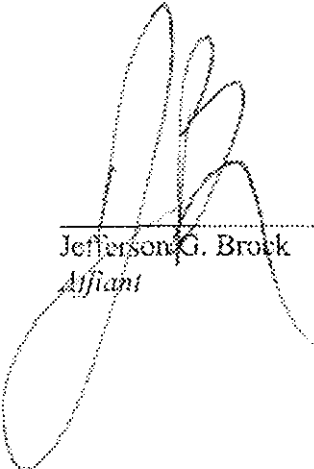
*State of Georgia )*  
*St. Simons Island ) ss:*  
*County of Glynn )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by WDAC Radio Company to prepare the attached Technical Exhibit.


His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 26th day of August, 2002.*

  
\_\_\_\_\_  
Jefferson G. Brock  
Affiant

*Sworn to and subscribed before me  
this the 26th day of August, 2002.*

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires April 16, 2006



**CERTIFICATE OF SERVICE**

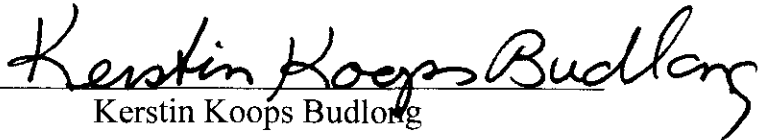
I, Kerstin Koops Budlong, hereby certify that on this date I caused the foregoing "Petition to Dismiss or Deny and Opposition to Petition to Dismiss" to be served by first-class mail, postage prepaid, on the following:

Barry A. Friedman, Esq.  
Thompson Hine, LLP  
1920 N Street, NW  
Washington, DC 20036

Margaret L. Miller, Esq.  
Dow Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, NW  
Washington, DC 20036

Robert Hayne\*  
Federal Communications Commission  
Office of Broadcast License Policy  
Media Bureau, Audio Division  
445 12th Street, SW  
Washington, DC 20554

\*by hand

  
Kerstin Koops Budlong